

NOTE: This bill has been prepared for the signature of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.



SENATE BILL 05-188

BY SENATOR(S) Kester, Entz, Evans, Hillman, Jones, Tapia, Teck, and Taylor;
also REPRESENTATIVE(S) Jahn, Berens, Boyd, Coleman, Hall, Kerr, Lindstrom, and Sullivan.

CONCERNING THE ESTABLISHMENT OF A COUNTY ELECTED OFFICIALS'
SALARY COMMISSION.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Title 30, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW ARTICLE to read:

ARTICLE 3
County Elected Officials' Salary Commission

30-3-101. Legislative declaration. (1) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT:

(a) THE SALARIES FOR COUNTY ELECTED OFFICIALS SHOULD BE BASED UPON EQUITABLE AND PROPER STANDARDS IN ORDER THAT SUCH SALARIES ACCURATELY REFLECT THE DUTIES AND RESPONSIBILITIES ASSUMED BY SUCH OFFICIALS AND THAT CITIZENS OF THE HIGHEST QUALITY

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

MAY BE ATTRACTED TO PUBLIC SERVICE.

(b) ACHIEVEMENT OF THE GOALS DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (1) REQUIRES THE ESTABLISHMENT OF AN INDEPENDENT COMMISSION THAT IS EMPOWERED TO MAKE RECOMMENDATIONS TO THE GENERAL ASSEMBLY ON THE EQUITABLE AND PROPER SALARIES TO BE PAID TO SUCH OFFICIALS.

(c) THE WORK PRODUCT OF THE INDEPENDENT COMMISSION WILL MATERIALLY ASSIST THE GENERAL ASSEMBLY IN SETTING THE SALARIES FOR SUCH OFFICIALS.

30-3-102. Definitions. AS USED IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "ASSOCIATIONS OF COUNTY ELECTED OFFICIALS" SHALL BE LIMITED TO THE FOLLOWING ASSOCIATIONS OR THEIR SUCCESSOR ORGANIZATIONS:

- (a) COLORADO COUNTIES, INC.;
- (b) COUNTY SHERIFFS OF COLORADO, INC.;
- (c) COLORADO COUNTY CLERKS ASSOCIATION;
- (d) COLORADO COUNTY TREASURERS' ASSOCIATION;
- (e) COLORADO CORONERS ASSOCIATION;
- (f) COLORADO ASSESSORS' ASSOCIATION; AND
- (g) PROFESSIONAL LAND SURVEYORS OF COLORADO, INC.

(2) "COMMISSION" MEANS THE COUNTY ELECTED OFFICIALS' SALARY COMMISSION CREATED IN SECTION 30-3-103.

(3) "COUNTY ELECTED OFFICIAL" MEANS A MEMBER OF A BOARD OF COUNTY COMMISSIONERS, A COUNTY SHERIFF, A COUNTY TREASURER, A COUNTY ASSESSOR, AN ELECTED COUNTY SURVEYOR, A COUNTY CLERK AND RECORDER, OR A COUNTY CORONER.

(4) "MEMBER OF THE GENERAL PUBLIC" MEANS A PERSON WHO IS NOT AN ELECTED OFFICIAL.

30-3-103. County elected officials' salary commission - creation - membership - qualifications. (1) THERE IS HEREBY ESTABLISHED A COMMISSION TO BE KNOWN AS THE COUNTY ELECTED OFFICIALS' SALARY COMMISSION CONSISTING OF THIRTEEN MEMBERS WHO SHALL BE APPOINTED AS FOLLOWS:

(a) TWELVE MEMBERS SHALL BE APPOINTED BY THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AS FOLLOWS:

(I) SEVEN MEMBERS SHALL BE APPOINTED TO REPRESENT EACH OF THE FOLLOWING COUNTY ELECTED OFFICIAL POSITIONS:

- (A) COUNTY COMMISSIONER;
- (B) COUNTY SHERIFF;
- (C) COUNTY CLERK AND RECORDER;
- (D) COUNTY ASSESSOR;
- (E) COUNTY TREASURER;
- (F) COUNTY CORONER; AND
- (G) COUNTY SURVEYOR.

(II) TWO MEMBERS SHALL BE EMPLOYEES OF COUNTY DEPARTMENTS OF PERSONNEL OR HUMAN RESOURCES AS FOLLOWS:

(A) ONE APPOINTEE FROM A CATEGORY I COUNTY AS DESIGNATED IN SECTION 30-2-102 (1) (a); AND

(B) ONE APPOINTEE FROM A CATEGORY II, III, IV, OR V COUNTY AS DESIGNATED IN SECTION 30-2-102 (1) (b) TO (1) (e).

(III) THREE MEMBERS SHALL BE MEMBERS OF THE GENERAL PUBLIC.

(b) ONE MEMBER SHALL BE APPOINTED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS.

(2) (a) IN APPOINTING MEMBERS PURSUANT TO SUBPARAGRAPH (I) OF PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION, THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES SHALL TAKE INTO CONSIDERATION THE RECOMMENDATIONS PROVIDED BY THE ASSOCIATIONS OF COUNTY ELECTED OFFICIALS.

(b) IN APPOINTING MEMBERS PURSUANT TO PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION, IF THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES ARE UNABLE TO AGREE ON APPOINTMENTS, EACH LEADER SHALL APPOINT THE FOLLOWING POSITIONS:

(I) THE PRESIDENT OF THE SENATE SHALL APPOINT:

(A) A MEMBER TO REPRESENT COUNTY COMMISSIONERS;

(B) A MEMBER TO REPRESENT COUNTY SHERIFFS;

(C) A MEMBER TO REPRESENT COUNTY CLERK AND RECORDERS;

(D) A MEMBER TO REPRESENT COUNTY ASSESSORS;

(E) ONE MEMBER PURSUANT TO SUB-SUBPARAGRAPH (B) OF SUBPARAGRAPH (II) OF PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION; AND

(F) ONE MEMBER OF THE GENERAL PUBLIC.

(II) THE SPEAKER OF THE HOUSE OF REPRESENTATIVES SHALL APPOINT:

(A) A MEMBER TO REPRESENT COUNTY TREASURERS;

(B) A MEMBER TO REPRESENT COUNTY CORONERS;

(C) A MEMBER TO REPRESENT COUNTY SURVEYORS;

(D) ONE MEMBER PURSUANT TO SUB-SUBPARAGRAPH (A) OF SUBPARAGRAPH (II) OF PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION;

AND

(E) TWO MEMBERS OF THE GENERAL PUBLIC.

(3) INITIAL APPOINTMENTS TO THE COMMISSION IN ACCORDANCE WITH THE REQUIREMENTS OF SUBSECTION (1) OF THIS SECTION SHALL BE MADE ON OR BEFORE JULY 15, 2005.

(4) FOUR OF THE COMMISSION MEMBERS INITIALLY APPOINTED BY THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES SHALL SERVE FOR A TERM OF TWO YEARS, AND THE REMAINDER OF THE MEMBERS SHALL SERVE TERMS OF FOUR YEARS. SUBSEQUENT APPOINTMENTS SHALL BE FOR TERMS OF FOUR YEARS, EXCEPT IN THE CASE OF VACANCIES, WHICH SHALL BE FILLED BY APPOINTMENT FOR THE UNEXPIRED TERM IN ACCORDANCE WITH SUBSECTION (6) OF THIS SECTION.

(5) ANY MEMBER OF THE COMMISSION SHALL BE ELIGIBLE FOR REAPPOINTMENT TO NOT MORE THAN ONE ADDITIONAL TERM OF FOUR YEARS.

(6) INDIVIDUALS SHALL BE APPOINTED TO FILL VACANCIES FOR THE REMAINDER OF ANY UNEXPIRED TERM OF MEMBERS OF THE COMMISSION. ANY VACANCY SHALL BE FILLED BY THE ORIGINAL APPOINTING AUTHORITY.

30-3-104. Commission officers - meetings. (1) THE GOVERNOR SHALL CALL THE FIRST MEETING OF THE COMMISSION FOR THE PURPOSE OF ORGANIZATION NO LATER THAN AUGUST 1, 2005. AT THIS MEETING, THE COMMISSION SHALL SELECT FROM ITS MEMBERSHIP A CHAIR, A VICE-CHAIR, AND A SECRETARY TO SERVE FOR TERMS OF TWO YEARS. THE COMMISSION SHALL PRESCRIBE ITS OWN RULES OF PROCEDURE.

(2) THE COMMISSION MAY MEET AS OFTEN AS NECESSARY TO PERFORM ITS FUNCTIONS.

(3) COMMISSION MEMBERS SHALL SERVE WITHOUT COMPENSATION AND SHALL NOT BE ENTITLED TO REIMBURSEMENT FOR EXPENSES.

30-3-105. Commission duties and responsibilities. (1) THE COMMISSION SHALL STUDY:

(a) THE SALARIES PAID TO COUNTY ELECTED OFFICIALS;

(b) THE RESPONSIBILITIES OF EACH COUNTY ELECTED OFFICIAL AND THE SCOPE OF AUTHORITY OF THE ENTITY IN WHICH THE OFFICIAL SERVES;

(c) THE RELATIVE LEVEL OF DIFFICULTY IN PERFORMING THE DUTIES OF EACH COUNTY ELECTED OFFICIAL;

(d) THE AMOUNT OF TIME DIRECTLY OR INDIRECTLY RELATED TO THE PERFORMANCE OF THE DUTIES, FUNCTIONS, AND SERVICES OF EACH COUNTY ELECTED OFFICIAL; AND

(e) THE CURRENT LEVELS OF SALARIES FOR COMPARABLE EMPLOYMENT IN OTHER PLACES OF PUBLIC AND PRIVATE EMPLOYMENT IN COMPETITIVE LABOR MARKETS.

(2) IN CARRYING OUT ITS DUTIES UNDER THIS ARTICLE, THE COMMISSION MAY TAKE TESTIMONY AND GATHER INFORMATION AS THE COMMISSION DEEMS APPROPRIATE.

(3) NO LATER THAN THE FIRST DAY OF CONVENING OF THE SECOND REGULAR SESSION OF THE SIXTY-FIFTH GENERAL ASSEMBLY AND ON THE FIRST DAY OF CONVENING OF THE GENERAL ASSEMBLY EVERY FOUR YEARS THEREAFTER, THE COMMISSION SHALL SUBMIT TO THE LOCAL GOVERNMENT COMMITTEES OF THE GENERAL ASSEMBLY A REPORT THAT SATISFIES THE REQUIREMENTS OF SUBSECTION (4) OF THIS SECTION. THE COMMISSION MAY ALSO SUBMIT ANY INTERIM REPORTS AS IT DEEMS NECESSARY. SUCH INTERIM REPORT MAY INCLUDE SALARY RECOMMENDATIONS.

(4) THE REPORT REQUIRED TO BE SUBMITTED PURSUANT TO SUBSECTION (3) OF THIS SECTION SHALL CONTAIN RECOMMENDATIONS OF THE COMMISSION AS TO THE APPROPRIATE LEVELS OF SALARIES TO BE PAID TO COUNTY ELECTED OFFICIALS IN EACH CATEGORY OF COUNTY AS SET FORTH IN SECTION 30-2-102 FOR THE QUADRENNIAL PERIOD FOLLOWING THE SUBMISSION OF THE REPORT AND ANY ADDITIONAL FACTS AND INFORMATION IN THE JUDGMENT OF THE COMMISSION THAT ARE RELEVANT TO THIS DETERMINATION. THE RECOMMENDATIONS CONTAINED IN THE REPORT SHALL BE BASED ON SOUND AND SYSTEMATIC OCCUPATIONAL ANALYSIS AND JOB EVALUATION METHODS AND SHALL CONSIDER THE INFORMATION STUDIED IN SUBSECTION (1) OF THIS SECTION.

(5) THE GENERAL ASSEMBLY, IN CONSIDERING AND ENACTING LEGISLATION CONCERNING THE SALARIES TO BE PAID TO COUNTY ELECTED

OFFICIALS, SHALL GIVE CONSIDERATION TO THE RECOMMENDATIONS CONTAINED IN THE MOST RECENT REPORT SUBMITTED BY THE COMMISSION.

30-3-106. Assistance to the commission. IN CARRYING OUT ITS DUTIES UNDER THIS ARTICLE, THE COMMISSION MAY REQUEST INFORMATION OR ASSISTANCE FROM THE DEPARTMENT OF LOCAL AFFAIRS.

SECTION 2. Safety clause. The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Joan Fitz-Gerald
PRESIDENT OF
THE SENATE

Andrew Romanoff
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Karen Goldman
SECRETARY OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____

Bill Owens
GOVERNOR OF THE STATE OF COLORADO